

AMENDED IN SENATE SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 744**

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**Introduced by Assembly Member Members Dahle and Gordon**  
(Coauthors: Senators Gaines and Nielsen)

February 21, 2013

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An act to amend Sections ~~14501 and 14551 of, and to repeal Section 14523.5 of, Section 4584 of the Public Resources Code, relating to recycling forest resources.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 744, as amended, ~~Gordon Dahle. Recycling beverage containers. Timber harvesting plans: exempt activities.~~

*The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The act authorizes the State Board of Forestry and Fire Protection to exempt from those provisions of the act a person engaging in specified forest management activities, including, the harvesting of trees, limited to those trees that eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns, for the purpose of reducing the rate of fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns. Under existing law, the notice of exemption issued for this exemption, known as the Forest Fire Prevention Exemption, may be authorized only if certain conditions are met, including that only trees*

*less than 18 inches in stump diameter, measured at 8 inches above ground level, may be removed, as provided.*

*This bill would, until January 1, 2019, provide that an additional notice of exemption, known as the Forest Fire Prevention Pilot Project Exemption, may be authorized if certain conditions are met, including, among others, that only trees less than 24 inches in stump diameter, measured at 8 inches above ground level, may be removed, as provided.*

~~Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires the Department of Resources Recycling and Recovery to establish reporting periods of every 6 months for redemption rates and recycling rates for specified types of beverage containers, to determine those rates for each reporting period, and to issue a report on those determinations. The act defines various terms for purposes of those provisions, including “redemption rate.”~~

~~This bill would delete the provisions that require the department to establish the reporting periods for the redemption rates and to determine the redemption rates for specified types of beverage containers. The bill also would delete the definition of the term “redemption rate” and make conforming changes with regard to a statement of legislative intent.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. (a) It is the intent of the Legislature to establish*  
2     *a five-year pilot project to assess whether increasing the diameter*  
3     *of trees that may be removed pursuant to the existing Forest Fire*  
4     *Prevention Exemption in the Z’berg-Nejedly Forest Practice Act*  
5     *can reduce the risk of catastrophic fire that threatens many*  
6     *communities in the Sierra Nevada while improving the economic*  
7     *use of this exemption for landowners. It is further the intent of the*  
8     *Legislature that the Department of Forestry and Fire Protection*  
9     *maintain adequate records to evaluate this pilot project. It is also*  
10    *the intent of the Legislature that those using this exemption*  
11    *consider the appropriate use of the California Conservation Corps,*  
12    *local conservation corps, and properly supervised inmate fire*  
13    *crews in implementing activities pursuant to this pilot project.*

14    *(b) It is the intent of the Legislature that the Natural Resources*  
15    *Agency develop a forest restoration and fuels reduction program*

1 *that utilizes an interagency process to develop regionally*  
2 *appropriate and cost-effective forest restoration prescriptions and*  
3 *permits.*

4 *SEC. 2. Section 4584 of the Public Resources Code is amended*  
5 *to read:*

6 4584. Upon determining that the exemption is consistent with  
7 the purposes of this chapter, the board may exempt from this  
8 chapter, or portions of this chapter, a person engaged in forest  
9 management whose activities are limited to any of the following:

10 (a) The cutting or removal of trees for the purpose of  
11 constructing or maintaining a right-of-way for utility lines.

12 (b) The planting, growing, nurturing, shaping, shearing, removal,  
13 or harvest of immature trees for Christmas trees or other ornamental  
14 purposes or minor forest products, including fuelwood.

15 (c) The cutting or removal of dead, dying, or diseased trees of  
16 any size.

17 (d) Site preparation.

18 (e) Maintenance of drainage facilities and soil stabilization  
19 treatments.

20 (f) Timber operations on land managed by the Department of  
21 Parks and Recreation.

22 (g) (1) The one-time conversion of less than three acres to a  
23 nontimber use. A person, whether acting as an individual or as a  
24 member of a partnership, or as an officer or employee of a  
25 corporation or other legal entity, shall not obtain more than one  
26 exemption pursuant to this subdivision in a five-year period. If a  
27 partnership has as a member, or if a corporation or other legal  
28 entity has as an officer or employee, a person who has received  
29 this exemption within the past five years, whether as an individual  
30 or as a member of a partnership, or as an officer or employee of a  
31 corporation or other legal entity, then that partnership, corporation,  
32 or other legal entity is not eligible for this exemption. "Person,"  
33 for purposes of this subdivision, means an individual, partnership,  
34 corporation, or other legal entity.

35 (2) (A) Notwithstanding Section 4554.5, the board shall adopt  
36 regulations that do all of the following:

37 (i) Identify the required documentation of a bona fide intent to  
38 complete the conversion that an applicant will need to submit in  
39 order to be eligible for the exemption in paragraph (1).

(ii) Authorize the department to inspect the sites approved in conversion applications that have been approved on or after January 1, 2002, in order to determine that the conversion was completed within the two-year period described in subparagraph (B) of paragraph (2) of subdivision (a) of Section 1104.1 of Title 14 of the California Code of Regulations.

(iii) Require the exemption pursuant to this subdivision to expire if there is a change in timberland ownership. The person who originally submitted an application for an exemption pursuant to this subdivision shall notify the department of a change in timberland ownership on or before five calendar days after a change in ownership.

(iv) The board may adopt regulations allowing a waiver of the five-year limitation described in paragraph (1) upon finding that the imposition of the five-year limitation would impose an undue hardship on the applicant for the exemption. The board may adopt a process for an appeal of a denial of a waiver.

(B) The application form for the exemption pursuant to paragraph (1) shall prominently advise the public that a violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, is a violation of this chapter and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).

(h) Easements granted by a right-of-way construction agreement administered by the federal government if timber sales and operations within or affecting these areas are reviewed and conducted pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.).

(i) (1) The cutting or removal of trees in compliance with Sections 4290 and 4291 that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuel break for a distance of not more than 150 feet on each side from an approved and legally permitted structure that complies with the California Building Standards Code, when that cutting or removal is conducted in compliance with this subdivision. For purposes of this subdivision, an “approved and legally permitted structure” includes only structures that are designed for human

1 occupancy and garages, barns, stables, and structures used to  
2 enclose fuel tanks.

3 (2) (A) The cutting or removal of trees pursuant to this  
4 subdivision is limited to cutting or removal that will result in a  
5 reduction in the rate of fire spread, fire duration and intensity, fuel  
6 ignitability, or ignition of the tree crowns and shall be in  
7 accordance with any regulations adopted by the board pursuant to  
8 this section.

9 (B) Trees shall not be cut or removed pursuant to this  
10 subdivision by the clearcutting regeneration method, by the seed  
11 tree removal step of the seed tree regeneration method, or by the  
12 shelterwood removal step of the shelterwood regeneration method.

13 (3) (A) Surface fuels, including logging slash and debris, low  
14 brush, and deadwood, that could promote the spread of wildfire  
15 shall be chipped, burned, or otherwise removed from all areas of  
16 timber operations within 45 days from the date of commencement  
17 of timber operations pursuant to this subdivision.

18 (B) (i) All surface fuels that are not chipped, burned, or  
19 otherwise removed from all areas of timber operations within 45  
20 days from the date of commencement of timber operations may  
21 be determined to be a nuisance and subject to abatement by the  
22 department or the city or county having jurisdiction.

23 (ii) The costs incurred by the department, city, or county, as the  
24 case may be, to abate the nuisance upon a parcel of land subject  
25 to the timber operations, including, but not limited to, investigation,  
26 boundary determination, measurement, and other related costs,  
27 may be recovered by special assessment and lien against the parcel  
28 of land by the department, city, or county. The assessment may  
29 be collected at the same time and in the same manner as ordinary  
30 ad valorem taxes, and shall be subject to the same penalties and  
31 the same procedure and sale in case of delinquency as is provided  
32 for ad valorem taxes.

33 (4) All timber operations conducted pursuant to this subdivision  
34 shall conform to applicable city or county general plans, city or  
35 county implementing ordinances, and city or county zoning  
36 ordinances. This paragraph does not authorize the cutting, removal,  
37 or sale of timber or other solid wood forest products within an area  
38 where timber harvesting is prohibited or otherwise restricted  
39 pursuant to the rules or regulations adopted by the board.

1 (5) (A) The board shall adopt regulations, initially as emergency  
2 regulations in accordance with subparagraph (B), that the board  
3 considers necessary to implement and to obtain compliance with  
4 this subdivision.

5 (B) The emergency regulations adopted pursuant to  
6 subparagraph (A) shall be adopted in accordance with the  
7 Administrative Procedure Act (Chapter 3.5 (commencing with  
8 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
9 Code). The adoption of emergency regulations shall be deemed to  
10 be an emergency and necessary for the immediate preservation of  
11 the public peace, health, and safety, or general welfare.

12 (j) (1) The harvesting of trees, limited to those trees that  
13 eliminate the vertical continuity of vegetative fuels and the  
14 horizontal continuity of tree crowns, for the purpose of reducing  
15 the rate of fire spread, duration and intensity, fuel ignitability, or  
16 ignition of tree crowns.

17 (2) The board may authorize an exemption pursuant to paragraph  
18 (1) only if the tree harvesting will decrease fuel continuity and  
19 increase the quadratic mean diameter of the stand, and the tree  
20 harvesting area will not exceed 300 acres.

21 (3) ~~The~~ *Except as provided in paragraph (11),* the notice of  
22 exemption, which shall be known as the Forest Fire Prevention  
23 Exemption, may be authorized only if all of the conditions specified  
24 in paragraphs (4) to (10), inclusive, are met.

25 (4) A registered professional forester shall prepare the notice  
26 of exemption and submit it to the director, and include a map of  
27 the area of timber operations that complies with the requirements  
28 of paragraphs (1), (3), (4), and (7) to (12), inclusive, of subdivision  
29 (x) of Section 1034 of Title 14 of the California Code of  
30 Regulations.

31 (5) (A) The registered professional forester who submits the  
32 notice of exemption shall include a description of the preharvest  
33 stand structure and a statement of the postharvest stand stocking  
34 levels.

35 (B) The level of residual stocking shall be consistent with  
36 maximum sustained production of high-quality timber products.  
37 The residual stand shall consist primarily of healthy and vigorous  
38 dominant and codominant trees from the preharvest stand. Stocking  
39 shall not be reduced below the standards required by any of the  
40 following provisions that apply to the exemption at issue:

1 (i) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph  
2 (1) of subdivision (a) of Section 913.3 of Title 14 of the California  
3 Code of Regulations.

4 (ii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph  
5 (1) of subdivision (a) of Section 933.3 of Title 14 of the California  
6 Code of Regulations.

7 (iii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph  
8 (1) of subdivision (a) of Section 953.3 of Title 14 of the California  
9 Code of Regulations.

10 (C) If the preharvest dominant and codominant crown canopy  
11 is occupied by trees less than 14 inches in diameter at breast height,  
12 a minimum of 100 trees over four inches in diameter at breast  
13 height shall be retained per acre for Site I, II, and III lands, and a  
14 minimum of 75 trees over four inches in diameter at breast height  
15 shall be retained per acre for Site IV and V lands.

16 (6) (A) The registered professional forester who submits the  
17 notice shall include selection criteria for the trees to be harvested  
18 or the trees to be retained. In the development of fuel reduction  
19 prescriptions, the registered professional forester should consider  
20 retaining habitat elements, where feasible, including, but not  
21 limited to, ground level cover necessary for the long-term  
22 management of local wildlife populations.

23 (B) All trees that are harvested or all trees that are retained shall  
24 be marked or sample marked by or under the supervision of a  
25 registered professional forester before felling operations begin.  
26 The board shall adopt regulations for sample marking for this  
27 section in Title 14 of the California Code of Regulations. Sample  
28 marking shall be limited to homogenous forest stand conditions  
29 typical of plantations.

30 (7) (A) The registered professional forester submitting the  
31 notice, upon submission of the notice, shall provide a confidential  
32 archaeology letter that includes all the information required by  
33 any of the following provisions that apply to the exemption at  
34 issue:

35 (i) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)  
36 of Section 929.1 of Title 14 of the California Code of Regulations,  
37 and include site records if required pursuant to subdivision (g) of  
38 that section or pursuant to Section 929.5 of Title 14 of the  
39 California Code of Regulations.

(ii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c) of Section 949.1 of Title 14 of the California Code of Regulations, and include site records if required pursuant to subdivision (g) of that section or pursuant to Section 949.5 of Title 14 of the California Code of Regulations.

(iii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c) of Section 969.1 of Title 14 of the California Code of Regulations, and include site records if required pursuant to subdivision (g) of that section or pursuant to Section 969.5 of Title 14 of the California Code of Regulations.

(B) The director shall submit a complete copy of the confidential archaeological letter and two copies of all required archaeological or historical site records to the appropriate Information Center of the California Historical Resource Information System within 30 days from the date of notice submittal to the director. Before submitting the notice to the director, the registered professional forester shall send a copy of the notice to Native Americans, as defined in Section 895.1 of Title 14 of the California Code of Regulations.

(8) Only trees less than 18 inches in stump diameter, measured at eight inches above ground level, may be removed. However, within 500 feet of a legally permitted structure, or in an area prioritized as a shaded fuel break in a community wildfire protection plan approved by a public fire agency, if the goal of fuel reduction cannot be achieved by removing trees less than 18 inches in stump diameter, trees less than 24 inches in stump diameter may be removed if that removal complies with this section and is necessary to achieve the goal of fuel reduction. A fuel reduction effort shall not violate the canopy closure regulations adopted by the board on June 10, 2004, and as those regulations may be amended.

(9) (A) This subparagraph applies to areas within 500 feet of a legally permitted structure and in areas prioritized as a shaded fuel break in a community wildfire protection plan approved by a public fire agency. The board shall adopt regulations for the treatment of surface and ladder fuels in the harvest area, including logging slash and debris, low brush, small trees, and deadwood, that could promote the spread of wildfire. The regulations adopted by the board shall be consistent with the standards in the board's "General Guidelines for Creating Defensible Space" described in



1 Section 1299 of Title 14 of the California Code of Regulations.  
2 Postharvest standards shall include vertical spacing between fuels,  
3 horizontal spacing between fuels, maximum depth of dead ground  
4 surface fuels, and treatment of standing dead fuels, as follows:

5 (i) Ladder and surface fuels shall be spaced to achieve a vertical  
6 clearance distance of eight feet or three times the height of the  
7 postharvest fuels, whichever is the greater distance, measured from  
8 the base of the live crown of the postharvest dominant and  
9 codominant trees to the top of the surface fuels.

10 (ii) Horizontal spacing shall achieve a minimum separation of  
11 two to six times the height of the postharvest fuels, increasing  
12 spacing with increasing slope, measured from the outside branch  
13 edges of the fuels.

14 (iii) Dead surface fuel depth shall be less than nine inches.

15 (iv) Standing dead or dying trees and brush generally shall be  
16 removed. That material, along with live vegetation associated with  
17 the dead vegetation, may be retained for wildlife habitat when  
18 isolated from other vegetation.

19 (B) This subparagraph applies to all areas not described in  
20 subparagraph (A).

21 (i) The postharvest stand shall not contain more than 200 trees  
22 over three inches in diameter per acre.

23 (ii) Vertical spacing shall be achieved by treating dead fuels to  
24 a minimum clearance distance of eight feet measured from the  
25 base of the live crown of the postharvest dominant and codominant  
26 trees to the top of the dead surface fuels.

27 (iii) All logging slash created by the timber operations shall be  
28 treated to achieve a maximum postharvest depth of nine inches  
29 above the ground.

30 (C) The standards required by subparagraphs (A) and (B) shall  
31 be achieved on approximately 80 percent of the treated area. The  
32 treatment shall include chipping, removing, or other methods  
33 necessary to achieve the standards. Ladder and surface fuel  
34 treatments, for any portion of the exemption area where timber  
35 operations have occurred, shall be done within 120 days from the  
36 start of timber operations on that portion of the exemption area or  
37 by April 1 of the year following surface fuel creation on that  
38 portion of the exemption area if the surface fuels are burned.

39 (10) Timber operations shall comply with the requirements of  
40 paragraphs (1) to (10), inclusive, of subdivision (b) of Section

1 1038 of Title 14 of the California Code of Regulations. Timber  
2 operations in the Lake Tahoe region shall comply instead with the  
3 requirements of paragraphs (1) to (16), inclusive, of subdivision  
4 (f) of Section 1038 of Title 14 of the California Code of  
5 Regulations.

6 *(11) A notice of exemption, which shall be known as the Forest*  
7 *Fire Prevention Pilot Project Exemption, may be authorized if all*  
8 *of the following conditions are met:*

9 *(A) The conditions specified in paragraphs (2), (4), (6), (7), (9),*  
10 *and (10) are met.*

11 *(B) Only trees less than 24 inches in stump diameter, measured*  
12 *at eight inches above ground level, may be removed. A fuel*  
13 *reduction effort shall not violate the canopy closure regulations*  
14 *adopted by the board on June 10, 2004, and as those regulations*  
15 *may be amended.*

16 *(C) (i) The registered professional forester who submits the*  
17 *notice of exemption shall include a description of the preharvest*  
18 *stand structure and a statement of the postharvest stand stocking*  
19 *levels.*

20 *(ii) The level of residual stocking shall be consistent with*  
21 *maximum sustained production of high-quality timber products.*  
22 *The residual stand shall consist primarily of healthy and vigorous*  
23 *dominant and codominant trees from the preharvest stand. Where*  
24 *present prior to operations, the overstory canopy closure for trees*  
25 *greater than 12 inches in diameter at breast height shall not be*  
26 *reduced below 50 percent. Stocking shall be met with the largest*  
27 *trees available prior to harvest and shall not be reduced below*  
28 *the standards required by any of the following provisions that*  
29 *apply to the exemption at issue:*

30 *(I) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph*  
31 *(1) of subdivision (a) of Section 913.3 of Title 14 of the California*  
32 *Code of Regulations.*

33 *(II) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph*  
34 *(1) of subdivision (a) of Section 933.3 of Title 14 of the California*  
35 *Code of Regulations.*

36 *(III) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph*  
37 *(1) of subdivision (a) of Section 953.3 of Title 14 of the California*  
38 *Code of Regulations.*

39 *(iii) If the preharvest dominant and codominant crown canopy*  
40 *is occupied by trees less than 14 inches in diameter at breast*

1 *height, a minimum of 100 trees over four inches in diameter at*  
2 *breast height shall be retained per acre for Site I, II, and III lands,*  
3 *and a minimum of 75 trees over four inches in diameter at breast*  
4 *height shall be retained per acre for Site IV and V lands. The*  
5 *retained trees shall be the largest trees available prior to harvest.*

6 *(D) The activities conducted pursuant to this paragraph occur*  
7 *in the Sierra Nevada Region as defined in subdivision (f) of Section*  
8 *33302, in Modoc, Siskiyou, or Trinity Counties, or in any*  
9 *combination of these areas.*

10 *(E) All activities conducted pursuant to this paragraph occur*  
11 *within the most recent version of the Department of Forestry and*  
12 *Fire Protection's Fire Hazard Severity Zone Map in the high, very*  
13 *high, and extreme fire threat zones.*

14 *(F) This paragraph shall become inoperative on January 1,*  
15 *2019.*

16 ~~(11)~~

17 *(12) After the timber operations are complete, the department*  
18 *shall conduct an onsite inspection to determine compliance with*  
19 *this subdivision and whether appropriate enforcement action should*  
20 *be initiated.*

21 ~~SECTION 1. Section 14501 of the Public Resources Code is~~  
22 ~~amended to read:~~

23 ~~14501. The Legislature finds and declares as follows:~~

24 ~~(a) Experience in this state and others demonstrates that financial~~  
25 ~~incentives and convenient return systems ensure the efficient and~~  
26 ~~large-scale recycling of beverage containers. Accordingly, it is the~~  
27 ~~intent of the Legislature to encourage increased, and more~~  
28 ~~convenient, beverage container redemption opportunities for all~~  
29 ~~consumers. These redemption opportunities shall consist of dealer~~  
30 ~~and other shopping center locations, independent and industry~~  
31 ~~operated recycling centers, curbside programs, and other recycling~~  
32 ~~systems that assure all consumers, in every region of the state, the~~  
33 ~~opportunity to return beverage containers conveniently, efficiently,~~  
34 ~~and economically.~~

35 ~~(b) California grocery, beer, soft drink, container manufacturing,~~  
36 ~~labor, agricultural, consumer, environmental, government, citizen,~~  
37 ~~recreational, taxpayer, and recycling groups have joined together~~  
38 ~~in calling for an innovative program to generate large-scale~~  
39 ~~redemption and recycling of beverage containers.~~

1     ~~(e) This division establishes a beverage container recycling goal~~  
2     ~~of 80 percent.~~

3     ~~(d) It is the intent of the Legislature to ensure that every~~  
4     ~~container type proves its own recyclability.~~

5     ~~(e) It is the intent of the Legislature to make redemption and~~  
6     ~~recycling convenient to consumers, and the Legislature hereby~~  
7     ~~urges cities and counties, when exercising their zoning authority,~~  
8     ~~to act favorably on the siting of multimaterial recycling centers,~~  
9     ~~reverse vending machines, mobile recycling units, or other types~~  
10    ~~of recycling opportunities, as necessary for consumer convenience,~~  
11    ~~and the overall success of litter abatement and beverage container~~  
12    ~~recycling in the state.~~

13    ~~(f) The purpose of this division is to create and maintain a~~  
14    ~~marketplace where it is profitable to establish sufficient recycling~~  
15    ~~centers and locations to provide consumers with convenient~~  
16    ~~recycling opportunities through the establishment of minimum~~  
17    ~~refund values and processing fees and, through the proper~~  
18    ~~application of these elements, to enhance the profitability of~~  
19    ~~recycling centers, recycling locations, and other beverage container~~  
20    ~~recycling programs.~~

21    ~~(g) The responsibility to provide convenient, efficient, and~~  
22    ~~economical redemption opportunities rests jointly with~~  
23    ~~manufacturers, distributors, dealers, recyclers, processors, and the~~  
24    ~~Department of Resources Recycling and Recovery.~~

25    ~~(h) It is the intent of the Legislature, in enacting this division,~~  
26    ~~that all empty beverage containers redeemed shall be recycled,~~  
27    ~~and that the responsibilities and regulations of the department shall~~  
28    ~~be determined and implemented in a manner that favors the~~  
29    ~~recycling of redeemed containers, as opposed to their disposal.~~

30    ~~(i) Nothing in this division shall be interpreted as affecting the~~  
31    ~~current business practices of scrap dealers or recycling centers,~~  
32    ~~except that, to the extent they function as a recycling center or~~  
33    ~~processor, they shall do so in accordance with this division.~~

34    ~~(j) The program established by this division will contribute~~  
35    ~~significantly to the reduction of the beverage container component~~  
36    ~~of litter in this state.~~

37    ~~SEC. 2. Section 14523.5 of the Public Resources Code is~~  
38    ~~repealed.~~

39    ~~SEC. 3. Section 14551 of the Public Resources Code is~~  
40    ~~amended to read:~~

1     ~~14551. (a) The department shall establish reporting periods~~  
2     ~~for the reporting of recycling rates. Each reporting period shall be~~  
3     ~~six months. The department shall determine all of the following~~  
4     ~~for each reporting period and shall issue a report on its~~  
5     ~~determinations, within 130 days of the end of each reporting period:~~

6     ~~(1) Sales of beverages in aluminum beverage containers, bimetal~~  
7     ~~beverage containers, glass beverage containers, plastic beverage~~  
8     ~~containers, and other beverage containers in this state, including~~  
9     ~~refillable beverage containers.~~

10    ~~(2) Returns for recycling, and returns not for recycling, of empty~~  
11    ~~aluminum beverage containers, bimetal beverage containers, glass~~  
12    ~~beverage containers, plastic beverage containers, and other~~  
13    ~~beverage containers in this state, including refillable beverage~~  
14    ~~containers returned to distributors pursuant to Section 14572.5.~~  
15    ~~These numbers shall be calculated using the average current~~  
16    ~~weights of beverage containers, as determined and reported by the~~  
17    ~~department.~~

18    ~~(3) An aluminum beverage container recycling rate, the~~  
19    ~~numerator of which shall be the number of empty aluminum~~  
20    ~~beverage containers returned for recycling, including refillable~~  
21    ~~aluminum beverage containers, and the denominator of which shall~~  
22    ~~be the number of aluminum beverage containers sold in this state.~~

23    ~~(4) A bimetal beverage container recycling rate, the numerator~~  
24    ~~of which shall be the number of empty bimetal containers returned~~  
25    ~~for recycling, including refillable bimetal beverage containers, and~~  
26    ~~the denominator of which shall be the number of bimetal beverage~~  
27    ~~containers sold in this state.~~

28    ~~(5) A glass beverage container recycling rate, the numerator of~~  
29    ~~which shall be the number of empty glass beverage containers~~  
30    ~~returned for recycling, including refillable glass beverage~~  
31    ~~containers, and the denominator of which shall be the number of~~  
32    ~~glass beverage containers sold in this state.~~

33    ~~(6) A plastic beverage container recycling rate, the numerator~~  
34    ~~of which shall be the number of empty plastic beverage containers~~  
35    ~~returned for recycling, including refillable plastic beverage~~  
36    ~~containers, and the denominator of which shall be the number of~~  
37    ~~plastic beverage containers sold in this state.~~

38    ~~(7) A recycling rate for other beverage containers, the numerator~~  
39    ~~of which shall be the number of empty beverage containers other~~  
40    ~~than those containers specified in paragraphs (1) to (6), inclusive;~~

1 returned for recycling, and the denominator of which shall be the  
2 number of beverage containers, other than those containers  
3 specified in paragraphs (1) to (6), inclusive, sold in this state.

4 (8) The department may define categories of other beverage  
5 containers, and report a recycling rate for each of those categories  
6 of other beverage containers.

7 (9) The volumes of materials collected from certified recycling  
8 centers, by city or county, as requested by the city or county, if  
9 the reporting is consistent with the procedures established pursuant  
10 to Section 14554 to protect proprietary information.

11 (b) The department shall determine the manner of collecting  
12 the information for the reports specified in subdivision (a),  
13 including establishing procedures, to protect any proprietary  
14 information concerning the sales and purchases.